

**Application No. 10/069,900
Reply to Office Action of June 4, 2003**

REMARKS

Claims 1 and 3-4 are presently pending in the application.

Applicants have deleted the Abstract of the application and replaced it with a new Abstract to clarify a narrative description of the present invention. No new matter has been added by this amendment and entry of the new Abstract is respectfully requested.

Applicants have also cancelled claim 2, without prejudice, and amended claim 1 to include the features of claim 2. Additionally, Applicants have amended claim 4 to clarify that the polymer-electrolyte fuel cell further comprises a layer and to place the phrase “between said metal substrate and said electroconductive resin layer” at the end of the claim. No new matter has been added by these claim amendments, and entry of the amendments is respectfully requested.

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over various combinations of U.S. Patent No. 5,607,785 of Tozawa et al. (“Tozawa”). Specifically, the Examiner rejected: claims 1 and 3 as being obvious over Tozawa in view of U.S. Patent Application Publication No. 2002/0034672 A1 of Saito et al. (“Saito”) (see ¶ 8 of Paper No. 6); claim 2 as being obvious over Tozawa in view of Saito as applied to claim 1, and further in view of U.S. Patent No. 6,451,469 B1 of Nakamura (see ¶ 9 of Paper No. 6); and claim 4 as being obvious over Tozawa in view of Saito as applied to claim 1, and further in view of Japanese Publication JP-11-126620 (see ¶ 11 of Paper No. 6).

Importantly, at paragraph 10 of Paper No. 6, the Examiner implies that the rejection of claim 2 can be overcome by relying upon the foreign priority papers if a translation of the papers is made of record. In response, Applicants have attached hereto, as Exhibit A, a verified translation of Japanese priority application Hei 11-248349 (“Hei ‘349”). Applicants point out that Hei ‘349 has a filing date of September 2, 1999, which predates the July 26, 2000 filing date of Nakamura. (“Nakamura”). Since Hei ‘349 supports claim 2 and has an earlier filing date than Nakamura, Nakamura cannot be properly used as a prior art reference. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection of claim 2 (now claim 1 of the above amendment).

**Application No. 10/069,900
Reply to Office Action of June 4, 2003**

Since claim 1 has been amended to include the features of claim 2, Applicants submit that claim 1 is now in a condition for allowance. Further, since claims 3 and 4 depend directly from claim 1, these claims should also be found to be allowable.

In view of the above Amendment and Remarks, Applicants submit that pending claims 1 and 3-4 are patentably distinct from the prior art of record and in a condition for allowance. Accordingly, reconsideration and withdraw of the Examiner's § 103(a) rejections and a Notice of Allowance are respectfully requested.

Respectfully submitted,

HISAAKI GYOTEN et al.

10/21/03

(Date)

By:

William C. Youngblood

WILLIAM C. YOUNGBLOOD
Registration No. 25, 918
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103-7086
Telephone: (215) 965-1200
Direct Dial: (215) 965-1246
Facsimile: (215) 965-1210
E-Mail: wyoungblood@akingump.com

WWS/WCY/dl
Enclosures